

DISTRICT COURT OF THE VIRGIN ISLANDS

DIVISION OF ST. CROIX

UNITED STATES OF AMERICA,

Plaintiff,

v.

**BRYAN GLASGOW and JULIAN
GLASGOW,**

Defendants.

2008-CR-0019

**TO: Rhonda Williams-Henry, Esq., AUSA
Emile A. Henderson, III, Esq.
Michael A. Joseph, Esq.**

**ORDER GRANTING DEFENDANT BRYAN GLASGOW'S MOTION FOR
CONTINUANCE**

THIS MATTER came before the Court for arraignment on September 19, 2008. After arraignment, counsel for Julian Glasgow moved for severance and counsel for Defendant Bryan Glasgow moved for a continuance. The government was represented by Rhonda Williams-Henry, Esq., AUSA. Emile A. Henderson, III, Esq., appeared on behalf of Defendant Bryan Glasgow; and, Michael A. Joseph, Esq., appeared on behalf of Defendant Julian Glasgow, and joined in the motion for continuance.

For the reasons stated herein, the time to try this case as against both Defendants is extended up to and including the date of jury selection.

United States v. Glasgow

2008-CR-0019

Order Granting Defendant Bryan Glasgow's Motion For Continuance

Page 2

Since this case was indicted, the parties have been involved in discovery and other pretrial discussions in the hopes of resolving this case. While the Speedy Trial Act requires that a defendant be tried within seventy days of indictment, the Court specifically finds that extending this period would be in the best interest of justice for several reasons. First, Defendant Bryan Glasgow requests a continuance to determine whether he will enter a plea or provide testimony on behalf of his co-Defendant on the motion for severance. Second, the government filed a superseding indictment on September 16, 2008. Trial is scheduled to commence September 19, 2008; consequently, in the absence of a continuance, trial would commence less than thirty (30) days after Defendants appearance in violation of 18 U.S.C. § 3161(c)(2). Third, without an extension, the parties would be denied reasonable time to explore plea negotiations and to prepare effectively for trial.

Consistent with these concerns, the United States Court of Appeals for the Third Circuit has recognized that "whether or not a case is 'unusual' or 'complex,' an ends of justice continuance may in appropriate circumstances be granted." *United States v. Fields*, 39 F.3d 439, 444 (3d Cir. 1994) (citing *United States v. Dota*, 33 F.3d 1179 (9th Cir. 1994) ("An ends of justice continuance may be justified on grounds that one side needs more time to prepare for trial . . . even though a case is not complex")); see also *United States v. Brooks*, 697 F.2d 517, 522 (3d Cir. 1982), *cert. denied*, 460 U.S. 1072 (1983) (no abuse of discretion where

United States v. Glasgow

2008-CR-0019

Order Granting Defendant Bryan Glasgow's Motion For Continuance

Page 3

district court found that multiple count, multiple defendant "case was complex and required additional time for adequate preparation"); *United States v. Lattany*, 982 F.2d 866, 883 (3d Cir. 1992) ("district court did not abuse its discretion [by delaying trial] to give counsel . . . opportunity to decid[e] upon and prepar[e] an appropriate defense").

Accordingly, Defendant Bryan Glasgow's motion for continuance is **GRANTED**, and the time beginning from the date of this order granting an extension through the date of jury selection shall be excluded in computing the time within which a trial must be initiated pursuant to 18 U.S.C. § 3161. This matter is set for calendar call on **October 15, 2008, at 9:00 a.m.**, at which time the jury selection date will be determined.

Defendant Julian Glasgow shall file his written motion for severance on or before **September 29, 2008**; the government shall file any response thereto on or before **October 10, 2008**; and any reply shall be filed on or before **October 15, 2008**. A hearing upon said motion is scheduled for **October 16, 2008, at 9:00 a.m.**

ENTER:

Dated: September 19, 2008

_____/s/
GEORGE W. CANNON, JR.
U.S. MAGISTRATE JUDGE